

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1108 - HB 1270

April 1, 2009

SUMMARY OF BILL: Requires local law enforcement agencies to quarantine property that has been used as a methamphetamine lab. Authorizes certified industrial hygienist to enter quarantined property. Eliminates the fee for filing a certificate of fitness issued by a industrial hygienist that property used as a methamphetamine lab is safe for human use. Purchase or possession of more than nine grams of an immediate methamphetamine precursor must be within a 30-day period to be considered prima facie evidence to commit the Class D felony of promotion of methamphetamine manufacture.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$212,000/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- Current law authorizes, but does not mandate, local law enforcement agencies to quarantine property that has been used as a methamphetamine lab. Prohibits any person from inhabiting property that is quarantined due to the property's use as a methamphetamine lab, offering quarantined property to the public for temporary or indefinite habitation, or removing any signs or notices of the quarantine.
- Under current law, possession of more than 20 grams of an immediate methamphetamine precursor is prima facie evidence of intent to commit the Class D felony offense of promotion of methamphetamine manufacture.
- According to the Department of Correction (DOC), there has been an average of 39 admissions for promotion of methamphetamine manufacture offenses in each of the past two years. DOC estimates an increase of 10 percent (4) in these offenses as a result of this bill.

SB 1108 - HB 1270

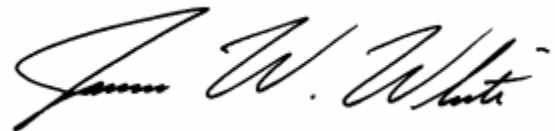
According to DOC, the average operating cost per offender per year for calendar year 2009 is \$59.80.

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- Due to the small number of offenders, no recidivism discount has been applied for the promotion of methamphetamine manufacture offenses.
- According to DOC, the average post-conviction time served for a Class D felony is 2.43 years. The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). The total additional operating cost for four offenders is \$211,983.84 (\$52,995.96 x 4).
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue associated with the Class B misdemeanor are estimated to be not significant.
- A not significant increase in local expenditures as a result of mandatory rather than permissive quarantine of property used as a methamphetamine lab.
- Any impact to the court system is estimated to be not significant and can be handled within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc